

8/08/77

Folder Citation: Collection: Office of Staff Secretary; Series: Presidential Files; Folder: 8/08/77;
Container 36

To See Complete Finding Aid:

http://www.jimmycarterlibrary.gov/library/findingaids/Staff_Secretary.pdf

Rich —

there are copies w/ his
Comments. I assume you
got originals.

Jim

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR THE PRESIDENT

FROM

STU EIZENSTAT *KS for*
KITTY SCHIRMER *son*

SUBJECT

Enrolled Bill H.R. 6161, The Clean Air Act
Amendments of 1977

(Note: Due to the urgency of early signing, the OMB memo is combined with this one, which has been drafted in consultation with OMB.)

THE BILL

H.R. 6161 makes a number of major changes in the Clean Air Act of 1970, which is administered by the Environmental Protection Agency.

Auto emissions

The bill amends the standards and the schedule for meeting statutorily specified reductions in automobile emissions. The standards contained in the bill are close to those recommended by the Administration in April. Although strict, the standards are technically achievable at reasonable economic cost and will not interfere with the auto industry's ability to meet fuel efficiency standards.

The bill also provides for:

- o a 24 month/24,000 mile performance warranty that the vehicle will meet the specified emission standards
- o a 5 year/50,000 mile warranty on the emission control equipment itself, such as the catalyst
- o mandatory inspection and maintenance programs in those cities (roughly 25) which are now in violation of the national ambient air quality standards.
- o a requirement that dealers certify that a new car meets the standards at the time of sale
- o a strong selective enforcement audit provision to improve EPA's ability to ensure that cars meet the standards as they come off the assembly line.

X

Non-Attainment Areas

The bill makes certain changes in the EPA emissions off-set policy which governs the location of new facilities in areas which are currently in violation of air quality standards (non-attainment areas). As a condition for permitting a new source in these areas, States are required to have approved plans which provide for the attainment of primary air quality standards no later than December 31, 1982. In those regions which have a severe oxidant or carbon monoxide problem, the deadline can be extended to December 31, 1987.

Prior to 1979, the offset policy which EPA now has in effect will be governing. In addition, existing sources must use all reasonably available control measures, and new sources must meet the lowest achievable emission levels.

Radioactive Pollutants

The bill gives EPA new statutory authority to:

- o establish ambient standards for radioactive pollutants
- o review emission standards for existing nuclear plants
- o establish emission standards and new source performance standards for new plants
- o regulate emissions from ERDA and DOD nuclear facilities.

This addition is controversial within the Administration and also in the nuclear industry since it duplicates existing NRC authority to some extent. We will work closely with EPA, DOE, and the NRC to ensure that this does not impose time delays in the nuclear licensing process.

Prevention of Significant Deterioration

The bill provides that clean air areas be divided into three categories, with specifications for each category of the incremental pollution allowable from new sources.

All national parks, and national memorial parks and wilderness areas over 5,000 acres, will receive the maximum protection affordable under law. All other Federal lands are automatically classed in the second category, but may be upgraded by the State.

The statute also provides for a variance from the non-degradation increments for up to 18 days for Class I areas. Disagreements between Federal land managers and the states as to use of this variance are to be resolved by the President.

Coal Conversion

Any source which converts to coal, whether voluntarily or by FEA requirement, can receive an extension of the time for compliance with the act up to December 31, 1980. This extension is available only if the source does not cause or contribute to a concentration of any pollutant in excess of the primary ambient air quality standards.

Economic Impact Statement

In a provision not supported by the Administration, the bill requires the Administrator to prepare an economic impact statement on non-health related regulations proposed under the Act. The statement itself is not subject to judicial review, but EPA may be challenged in court if it fails to prepare such a statement. We will work with EPA to determine which regulations are "non health related".

Non-compliance Penalties

As requested by the Administration, the bill permits EPA to establish penalties for industrial sources which fail to comply with emission standards. This gives EPA an alternative to shutting down plants which fail to comply without providing sources which are not in compliance with an economic advantage. The penalty assessed shall be equal to the cost of complying with the law.

HOUSE AND SENATE VOTES

Both Houses passed by voice vote.

AGENCY AND STAFF RECOMMENDATIONS

All agencies and staff recommend approval, informally.

DECISION

Approve H.R. 6161 _____ ✓

Disapprove H.R. 6161 _____

A signing statement is attached.

J

SIGNING STATEMENT FOR H.R. 6161, THE CLEAN
AIR ACT AMENDMENTS OF 1977

I am pleased to sign into law H.R. 6161, the Clean Air Act Amendments of 1977. This Act is the culmination of a three year effort by the Congress to develop legislation which will continue our progress toward meeting our national clean air goals in all parts of the country. The issues involved in amending the Clean Air Act have been difficult, and the debate lengthy. However, I believe that the Congress, under the leadership of Senator Muskie and Representative Rogers, has adopted a sound and comprehensive program for achieving and preserving healthy air in our nation.

The automobile industry now has a firm timetable for meeting strict, but achievable emission reductions. That industry now knows with certainty what is required, and can devote its full-time energies to designing cars which will further our clean air goals while continuing to improve fuel efficiency. *This timetable will be enforced.*

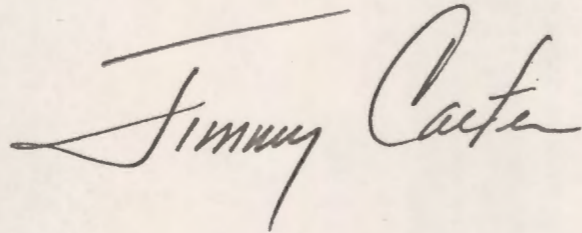
With this legislation, we can continue to protect our national parks, and our major national wilderness areas and national monuments from the degradation of air pollution. Other clean air areas of the country will also be protected, at the same time permitting economic growth in an environmentally sound manner.

The Act provides us with a new tool to help abate industrial sources of pollution by authorizing use of economic incentives to reduce non-compliance. By directing the Environmental

page two

Protection Agency to establish monetary penalties equal to the cost of clean-up, those industries which delay installing abatement equipment will no longer be rewarded in the market place.

These three major provisions, coupled with the other authorities of H.R. 6161, provides the statutory framework for the Environmental Protection Agency to implement a firm, but responsible program for meeting and maintaining air quality standards which are necessary to protect the health of all of our citizens.

A handwritten signature in cursive script, reading "Jimmy Carter". The signature is written in dark ink and is positioned in the lower right quadrant of the page.

SIGNING STATEMENT FOR H.R. 6161, THE CLEAN
AIR ACT AMENDMENTS OF 1977

I am pleased to sign into law H.R. 6161, the Clean Air Act Amendments of 1977. This Act is the culmination of a three year effort by the Congress to develop legislation which will continue our progress toward meeting our national clean air goals in all parts of the country. The issues involved in amending the Clean Air Act have been difficult, and the debate lengthy. However, I believe that the Congress, under the leadership of Senator Muskie and Representative Rogers, has adopted a sound and comprehensive program for achieving and preserving healthy air in our nation.

The automobile industry now has a firm timetable for meeting strict, but achievable emission reductions. That industry now knows with certainty what is required, and can devote its full-time energies to designing cars which will further our clean air goals while continuing to improve fuel efficiency. *This timetable will be enforced.*

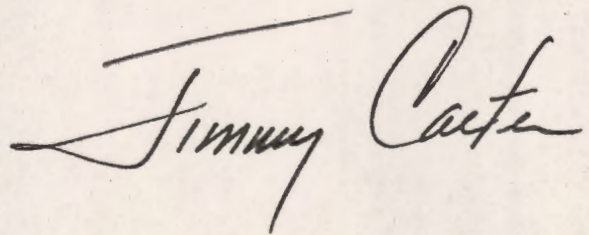
With this legislation, we can continue to protect our national parks, and our major ~~national~~ wilderness areas and national monuments from the degradation of air pollution. Other clean air areas of the country will also be protected, at the same time permitting economic growth in an environmentally sound manner.

The Act provides us with a new tool to help abate industrial sources of pollution by authorizing use of economic incentives to reduce non-compliance. By directing the Environmental

page two

Protection Agency to establish monetary penalties equal to the cost of clean-up, those industries which delay installing abatement equipment will no longer be rewarded in the market place.

These three major provisions, coupled with the other authorities of H.R. 6161, provides the statutory framework for the Environmental Protection Agency to implement a firm, but responsible program for meeting and maintaining air quality standards which are necessary to protect the health of all of our citizens.

A handwritten signature in dark ink, reading "Jimmy Carter". The signature is written in a cursive style with a large, sweeping initial "J" and a distinct "Carter" at the end.

THE WHITE HOUSE
WASHINGTON

August 8, 1977

Stu Eizenstat

The attached was returned
in the President's outbox today
and is forwarded to you for
your information.

Rick Hutcheson

RE: ENROLLED BILL H.R. 7553 -
PUBLIC WORKS APPROPRIATIONS

X

THE WHITE HOUSE
WASHINGTON

LAST DAY FOR ACTION:
Monday, August 8, 1977

Electrostatic Copy Made
for Preservation Purposes

August 5, 1977

*The statement
on approved
H₂O projects is
very weak
Stu J*

MEMORANDUM FOR

THE PRESIDENT

FROM

STU EIZENSTAT

SUBJECT: Enrolled Bill H. R. 7553 -- Public Works
Appropriations (Water and Power Develop-
ment and Energy Research)

You must decide by Monday, August 8, whether to sign or veto
this bill.

THE BILL

The bill appropriates \$10,083,114,000 in FY 1978 budget
authority for the Energy Research Development Administration
(except for fossil fuel and certain conservation programs);
Army Corps of Engineers civil functions; Bureau of Reclama-
tion and Interior Department power agencies; and related
agencies and commissions including the Federal Power Com-
mission, the Nuclear Regulatory Commission and the Tennessee
Valley Authority.

The net budgetary effect of the bill is to increase esti-
mated outlays by \$179 million in FY 1978 and \$17 million
in FY 1979. Following is a summary, by agency:

1978 Budget Authority
(in millions of dollars)

	Amount provided in bill	Congressional Change From Request	From 1977
Energy Research and Development Administration	5,978	-135	+228
Corps of Engineers - Civil	2,728	+162	+241
Bureau of Reclamation	769	+33	-307
Appalachian regional development programs	112	+10	-6
Nuclear Regulatory Commission	281	-11	+33
Tennessee Valley Authority	139	+21	+13
Other	76	---	-15
Total	10,083	+80	+187*

THE WHITE HOUSE

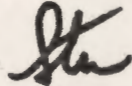
WASHINGTON

August 5, 1977

MEMORANDUM FOR:

THE PRESIDENT

FROM:

STU EIZENSTAT 

SUBJECT:

Proposed Signing Statement
on Public Works Appropriations
Bill

The first part of the statement deals with the water projects issue. It does not mention specifically your intention to seek FY 1978 deferrals on the Russell and Cache projects, but leaves the door open for you to do so. Frank felt that the Congressional notification would be too hasty and possibly impossible if both projects were mentioned, and we thought it would be better to mention neither project rather than just Russell.

SIGNING STATEMENT ON H.R. 7553

Today I am signing H.R. 7553, the Public Works Appropriations Bill.

This bill is a major first step in trimming spending on unnecessary, expensive and environmentally damaging water projects. In response to my Administration's review of water projects and my recommendations to the Congress, nine unsound projects have been deleted and four modified. This is unprecedented progress. In addition to this action, the Congress has refrained from funding unbudgeted new construction starts.

I welcome this positive step. Action on this appropriations bill marks the beginning of a major effort on the part of my Administration to cut back on wasteful water projects. This is an effort we will continue.

I note that this bill contains funding for ten projects for which I recommended deletion of funds. I remain very concerned about these projects.

Much remains to be done to accomplish lasting reform in water resources policy. My Administration is developing water policy reform proposals, and will continue to scrutinize carefully all ongoing and proposed water projects. In addition, with the exception of two

projects which require further analysis by the Interior Department, the projects deleted by the Congress in this bill should be deauthorized immediately, so that this first step of progress is made permanent.

I am therefore signing this bill with the intention of accomplishing:

- o Deauthorization of deleted projects;
- o Continued close scrutiny of all projects; and
- o Institution of lasting reforms in water policy.

I would also note that H.R. 7553 appropriates over \$500 million for research and development on the breeder reactor and other advanced nuclear power technologies. The legislation does not, however, appropriate funds for the Clinch River Breeder Reactor Project.

My FY 1978 budget proposal which H.R. 7553 will implement, provides for a vigorous research and development program for breeder reactors. In FY 1978, we will complete the Fast Flux Test Facility at Hanford, Washington which will tell us more about how to design an advanced and economical breeder than Clinch River Breeder can. We will fund major research on alternative breeder technologies, improved safety systems, and other advanced atomic power sources.

Congress has yet to complete action on the legislation authorizing our nuclear breeder research and development program. I will urge Congress to reject proposals leading to an investment of over \$2.2 billion in the Clinch River Breeder Reactor Project-- a reactor which we do not now need, which is economically unsound, and which will be of little assistance in determining the commercial viability of breeder technology in the U.S.

Without wasting the taxpayers dollars on the Clinch River facility, we will be able to implement a breeder research program which will ultimately make this country better prepared to build, if and when we need to, a commercial breeder reactor which is technically, economically and environmentally sound.

Finally, H.R. 7553 provides up to \$14 million for such activities at the Barnwell Nuclear Fuel Plant as the Energy Research and Development Administration Administrator determines are consistent with the International Nuclear Fuel Cycle Evaluation. No funds appropriated in this Act shall be used for the reprocessing of spent fuel.

J.C.

SIGNING STATEMENT ON H.R. 7553

Today I am signing H.R. 7553, the Public Works Appropriations Bill.

This bill is a ^{precedent-setting} major first step in trimming spending on unnecessary, expensive and environmentally damaging ^{construction} ~~water~~ projects. In response to ~~the~~ Administration's review of ~~water~~ ^{damaging construction} projects and ~~the~~ recommendations to the Congress, nine unsound projects have been deleted and four modified. This is unprecedented progress. In addition to this action, the Congress has refrained from funding unbudgeted new construction starts.

I welcome this positive step. Action on this appropriations bill marks the beginning of a major effort on the part of ~~this~~ Administration to cut back on wasteful ^{in this area.} ~~water projects~~. This ~~is an~~ effort ~~we~~ will ^{be} continued.

I note that this bill contains funding for ten projects for which I recommended deletion of funds. I remain very concerned about these projects.

Much remains to be done to accomplish lasting reform in water resources policy. My Administration is developing water policy reform proposals, and will continue to scrutinize carefully all ongoing and proposed water projects. In addition, with the exception of two

projects which require further analysis by the Interior Department, the projects deleted by the Congress in this bill should be deauthorized immediately, so that this first step ~~of progress~~ is made permanent.

I am therefore signing this bill with the intention of accomplishing:

- o Deauthorization of deleted projects;
- o Continued close scrutiny of all projects; and
- o Institution of lasting reforms in water policy.

I would also note that H.R. 7553 appropriates over \$500 million for research and development on ~~the~~ breeder reactors and other advanced nuclear power technologies. The legislation does not, however, appropriate funds for the ^{unnecessary} Clinch River Breeder Reactor Project.

My FY 1978 budget proposal which H.R. 7553 will implement, provides for a vigorous research and development program for breeder reactors. In FY 1978, we will complete the Fast Flux Test Facility at Hanford, Washington which will tell us ^{much} more about how to design an advanced ^{more economical} and economical breeder than Clinch River Breeder can. We will fund major research on alternative breeder technologies, improved safety systems, and other advanced atomic power sources.

Congress has yet to complete action on the legislation authorizing our nuclear breeder research and development program. I will urge Congress to reject proposals leading to an investment of over \$2.2 billion ^{of taxpayer dollars} in the Clinch River Breeder Reactor Project-- a reactor which we do not now need, which is economically unsound, and which will be of little assistance in determining the commercial viability of breeder technology in the U.S.

Without wasting the taxpayers dollars on the Clinch River facility, we will be able to implement a breeder research program which will ultimately make this country better prepared to build, if and when we need to, a commercial breeder reactor which is technically, economically and environmentally sound.

Finally, H.R. 7553 provides up to \$14 million for such activities at the Barnwell Nuclear Fuel Plant as the Energy Research and Development Administration Administrator determines are consistent with the International Nuclear Fuel Cycle Evaluation. No funds appropriated in this Act shall be used for the reprocessing of spent fuel.